

### **REMARKS**

The Examiner's comments in the Office Action mailed March 30, 2007 have been carefully considered. Claims 2, 3, 6-11, 13, and 14 remain pending in the application and claims 36-51 have been newly added. Amendments have been made to claims 7-11 to clarify the scope of the claims. Support for these changes can be found throughout the specification and figures. In addition, subject matter from claims 7, 8, 10, and 11 has been incorporated into new claims 36-51. No new matter has been added.

Reexamination and allowance of the pending claims is respectfully requested.

### **Allowed Subject Matter**

Applicants thank the Examiner for allowing claims 2, 3, 6, and 7.

Applicants further thank the Examiner for indicating claims 8, 10, and 11 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

### **Claim Rejections**

Claims 8-11 have been rejected under 35 U.S.C. 112, second paragraph, for including the language "any combination thereof" and "other molecules." To expedite prosecution, Applicants have removed this language from claims 8-11. Applicants note these deletions do not change the scope of the claims, since the claims recite *at least one* member selected from each Markush group.

Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,165,195 to Wilson et al. in view of U.S. Patent No. 5,449,382 to Dayton. Applicants respectfully traverse the rejection.

Claim 9 recites in part, a rotatable sheath rotatable about and relative to a catheter shaft.

The combination of Wilson and Dayton does not disclose or suggest a rotatable sheath rotatable about and relative to a catheter shaft. Rather, Wilson discloses an expandable member fixedly attached to a catheter. Dayton fails to remedy the shortcomings of Wilson.

Reply to Office Action of March 30, 2007

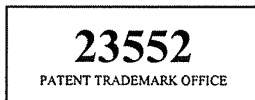
For at least these reasons, Applicants assert Wilson would not lead a person skilled in the art to the invention of claim 9, even in view of Dayton. Withdrawal of the rejection and allowance of claim 9 is respectfully requested. Applicant does not otherwise concede the correctness of the rejection and reserves the right to make additional arguments if necessary.

Claims 13 and 14 have been provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3 and 24 of copending Application No. 10/375,689 (hereinafter "the '689 case"). Applicants respectfully traverse the rejection.

Applicants note this rejection is provisional since the conflicting claims of the '689 case have not yet been patented. If still necessary upon finding allowable claims in the '689 case, Applicants will file a terminal disclaimer in the '689 case to obviate any double patenting concerns.

### **Conclusion**

In view of the above remarks, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicant's attorney listed below at (612) 332-5300.



Respectfully submitted,

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